

**ASSEMBLY BILL**

**No. 1314**

---

**Introduced by Assembly Member Ridley-Thomas**

February 22, 2005

---

An act to add Section 54963.5 to the Government Code, relating to neighborhood councils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1314, as introduced, Ridley-Thomas. Neighborhood councils: open meetings.

(1) Existing law, the Ralph M. Brown Act, provides that the meetings of legislative bodies of local agencies shall be open and public and all persons shall be permitted to attend, with specified exceptions. For this purpose, a local agency includes any commission, committee, board, or other body of a local agency, whether decisionmaking or advisory, that is created by charter, ordinance, resolution, or other formal action of a legislative body.

Various provisions of local agency charters and local ordinances create or authorize neighborhood councils for the general purpose of enabling citizens to join together to discuss issues of local interest and providing a vehicle through which these citizens can communicate with local agencies.

This bill would provide that, notwithstanding any other provision of law, the Brown Act shall not apply to a neighborhood council that is community-based, comprised of volunteers who receive no stipend for service and have no assigned or paid staff, is primarily advisory, and has authority over no significant amount of public funds. It also would provide that, notwithstanding the inapplicability of the act, any meeting of a neighborhood council shall be open to the public, any member of the public shall be able to address the council during a

meeting on any item within its subject matter jurisdiction, and the council shall be required to post an agenda, as specified.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would find that, in order for a neighborhood council that is community-based, comprised of volunteers, is primarily advisory, and has authority over no significant amount of public funds to operate without the costs and burdens associated with compliance of all aspects of the Ralph M. Brown Act, while still being subject to general requirements that its meetings be open to the public, that any member of the public shall be able to address the council, and that it post an agenda of its meetings, it is necessary that the act not apply to a neighborhood council.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54963.5 is added to the Government  
2 Code, to read:

3 54963.5. (a) Notwithstanding any other provision of law,  
4 this chapter shall not apply to a neighborhood council that is  
5 community-based, comprised of volunteers who receive no  
6 stipend for service and have no assigned or paid staff, is  
7 primarily advisory, and has authority over no significant amount  
8 of public funds.

9 (b) Notwithstanding subdivision (a), any meeting held by a  
10 council specified in subdivision (a) shall be open to the public  
11 and any member of the public shall be able to address the council  
12 during the meeting on any item within the subject matter  
13 jurisdiction of the council. Notice of the meeting shall be posted  
14 at an appropriate place accessible to the public, at least 72 hours  
15 before the time set for the meeting. The notice shall specify the  
16 date, time, and location of the meeting and contain an agenda  
17 describing each item of business to be discussed or acted upon.  
18 The council shall not take any action on any item of business  
19 unless that item appeared on the posted agenda or unless the

1 council members present, by unanimous vote, find that there is a  
2 need to take immediate action and that the need for action came  
3 to the attention of the council subsequent to the posting of the  
4 agenda. If a council violates the procedural meeting requirements  
5 of this section and upon demand of any person, the council or  
6 committee shall reconsider the item at its next meeting, after  
7 allowing for public input on the item.

8 SEC. 2. The Legislature finds and declares that Section 1 of  
9 this act, which adds Section 54963.5 to the Government Code,  
10 imposes a limitation on the public's right of access to the  
11 meetings of public bodies or the writings of public officials and  
12 agencies within the meaning of Section 3 of Article I of the  
13 California Constitution. Pursuant to that constitutional provision,  
14 the Legislature makes the following findings to demonstrate the  
15 interest protected by this limitation and the need for protecting  
16 that interest.

17 In order for a neighborhood council that is community-based,  
18 comprised of volunteers, is primarily advisory, and has authority  
19 over no significant amount of public funds to operate without the  
20 costs and burdens associated with compliance of all aspects of  
21 the Ralph M. Brown Act, while still being subject to general  
22 requirements that its meetings be open to the public, that any  
23 member of the public be able to address the council, and that it  
24 post an agenda of its meetings, it is necessary that Ralph M.  
25 Brown Act not apply to a neighborhood council.